

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
May 24, 2016

3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Debby Lauret, Sam Lentz (joined the meeting electronically at 3:00 p.m.), Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Karl Hirst, Recreation Department Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Division Manager; Steven Downs, Assistant to the City Manager; and Donna Weaver, City Recorder

EXCUSED

Councilmember David Spencer

DISCUSSION – Orem Police Department Victim Assistance Report

Mayor Brunst invited Victim Advocates Renee Flitton and Stephany Cochran to present the annual report of the Orem Police Department's Victim Assistance program. Ms. Flitton reviewed the grants that funded the program. Ms. Cochran went over the number of victims they had served and compared the nature of the crimes.

INTRODUCTION – Police Body Cameras

Chief Giles reflected that the public suffers from something called the "CSI Effect." People wanted to "see" everything that happened in an event. He reviewed studies comparing departments where some officers wore body cameras while others did not. The studies seemed to indicate that wearing the cameras resulted in fewer "use of force" situations.

He said the legislature passed HB 300 which:

- Did not require agencies to have cameras
- Required activation of camera during "Law Enforcement Encounter"
- Privacy Expanded
- Required Department Policy

Chief Giles demonstrated how an officer might wear a body camera, noting that his officers liked the cameras because they wanted to be vindicated if they were accused of doing something wrong. The cameras themselves cost \$500 but the other expenses, such as storage, etc., raised it to \$1,000 a year.

He said one challenge with the cameras was the volume of data that had to be stored. As they had considered various models, they wanted cameras that had the same level of vision that an officer would have in the same situation.

INTRODUCTION – Orem Natural Resources Stewardship Committee

Mr. Clark introduced Sarah Bateman, a resident of Orem who supported the proposed new committee. He said the committee would address natural stewardship in the City, with a goal to educate the public and address such things as environmental issues, air quality, etc.

He then reviewed some of the things the committee could do:

- Coordinate a series of classroom instructions for residents regarding water conservation, water-wise landscaping, recycling, low impact living, etc.
- Develop additional recycling programs or solutions
- Identify projects to enhance walkability
- Work with schools and businesses to develop anti-idling zones
- Work with businesses to install electric vehicle charging stations
- Clean Air programs and education

Their duties would include:

- Encourage a vision and goals to protect the City's natural resources, which could include but were not limited to water, air, soil, and open space
- Explore and advise the City Council and staff of recycling programs the City might utilize to assist with accomplishing the committee's vision and goals. It would include engaging existing recycling businesses for education and training
- Advise the City Council and staff of innovative measures to protect the City's natural resources and suggest feasible policies, procedures, and/or projects that would have public support
- Review and advise the City Council on sustainability, recycling, and natural resources policies, procedures, and/or projects brought to the Committee by City appointed staff.
- Work with other citizen's commissions and committees, including the Transportation Advisory Commission, Public Works Advisory Commission, and Planning Commission as needed
- Work toward the continuing education of citizens regarding sustainability, recycling, and natural resource protection issues in our community. This includes developing strategies to increase resident participation in existing recycling programs
- Publicize and encourage citizen involvement in projects
- Participate on the Utah Valley Clean Air Task Force as desired
- Attend the Recycling Coalition of Utah board meetings in place of the city staff representative on an as needed basis

He said the committee concept was presented to the Planning Commission. They did not recommend approval, expressing concern that it could result in more government.

Mayor Brunst said he was in favor of it. Mrs. Lauret said she was raised with the mentality of having a stewardship over natural resources.

Ms. Bateman said her goal was to find ways to create less trash. She reviewed her history of how she came to realize how much people threw away that didn't need to be. She said businesses were getting involved in preserving resources and considering the environmental stewardship.

DISCUSSION – Recreation Cosponsored Group Fees

Mr. Hirst reviewed the Recreation Advisory Commission's recommendation for a CARE grant to reimburse cosponsored groups. He said there were some complications that came from that since a "scholarship" for one group was not a scholarship in another group. He then reviewed the various different types of cosponsored groups and what fees they paid.

****Councilmember Lentz disconnected at 3:52 p.m.****

Mr. Macdonald said that for the cultural arts they asked how many people CARE grant recipients serviced. He wondered how many were helped by the cosponsored groups. Mr. Hirst went over the statistics of Orem residents who participated in the cosponsored groups.

Mr. Sumner asked how they knew the number of Orem residents served, and Mr. Hirst said they required the groups to bring in their rosters.

Mr. Stephens said CARE funds could not be used for recreational organizations. The money could, however, be used for physical facilities such as fields. Mr. Hirst added that they could help them by putting the money into the fields.

Mr. Davidson said not all sports were created equal. The relationship the City had with the various sporting groups was not the same, in the form of "like service." He suggested caution about dedicating more money to the operational side of things over physical projects that had a decades-long benefit to the residents.

Mr. Macdonald said Mr. Davidson's comment matched what he had suggested regarding the arts. He expressed concern about putting so much money toward simply lowering ticket prices rather than directing those funds toward something more lasting, such as long-term projects.

Mayor Brunst said he thought the \$15,000 spent on youth programs would be well used.

Mr. Davidson said his concern was that over time the \$15,000 could creep up.

Mr. Hirst said Orem's fees were lower than those of many communities. Mr. Davidson said some of the problem with having lower fees was that people from surrounding communities gravitated to Orem leagues for the price.

UPDATE – Spring Clean Up Program

Mr. Bybee provided an update on the new way the City had handled the Spring Clean Up. By the end of April, the City had transported almost as many full dumpsters to the dump as had been used during last year's entire clean up. Having staff at the site of the dumpsters had been very beneficial in helping with the people dropping off things as well as directing them to the correct dumpsters. Mr. Bybee said they had learned a lot from the experience and would be making some tweaks to the process.

Mr. Davidson said it would cost the City more doing it this way, but if the intent was to clean up the neighborhoods they had been successful. Some feedback from residents indicated that people who were not members of the LDS Church had not known about previous years' clean ups. This year, they did.

Mr. Bybee said Officer Crook, who was over the Neighborhood Preservation Unit, said he thought it had been very beneficial and would help reduce the number of calls they received. Mr. Bybee said that, to educate residents about how to handle toxic products like paint, they had sent out a mailer that provided locations where residents could take those.

DISCUSSION – Water Conservation Rate Structure

Mr. Davidson reminded the Council that they had requested some specifics on how to proceed with a water conservation rate structure. Mr. Tschirki then reviewed the reasons for doing the tiered system. He said the proposed plan was not an aggressive one but would ease into it.

Neal Winterton said that in a previous meeting the Council had recommended the seven-year plan. Staff's proposal did not include operational moneys.

He reviewed a table showing the flow allotment by meter size with four tiers, with a base rate that would account for the 90th percentile. They used the AWWA multiplier to estimate the fees. He said it was a very complicated process. They established the tiers and then multiplied out the fees. They went with the four tiers because they believed they would eventually be at four anyway to encourage indoor as well as outdoor conservation. He said there were people who would see their rates go up. The hope was that it would make them more mindful of their water use.

Mr. Winterton reviewed the process they used to come up with the proposal. He noted that there were problems with the antiquated meters the City currently used and that needed be manually read. Without upgrading to AMI (Advanced Metering Infrastructure) meters, winter water use accuracy was impossible. He noted that, with the plan, staff would come to the Council each year with a proposal based upon the previous year's results. Fees could go up or down.

The Council and staff discussed a possible start date for the tiered system. The Mayor said the public would need to receive education on the system. He said he thought November 1st might be a good date.

5:15 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Bill Bell, Development Services Director; Karl Hirst, Recreation Department Director; Chris Tschirki, Public Works

Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Steve Earl, Deputy City Attorney; Jason Bench, Planning Division Manager; Jason Adamson; Risk Manager; Steven Downs, Assistant to the City Manager; and Donna Weaver, City Recorder

EXCUSED

Councilmembers Sam Lentz and David Spencer

Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

The City Council and staff reviewed the items on the agenda.

City Council New Business

There was no City Council new business.

The Council adjourned at 5:52 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Neal Winterton, Water Division Manager; Steven Downs, Assistant to the City Manager; Pete Wolfley, Communications Specialist; and Donna Weaver, City Recorder

EXCUSED

Councilmembers Sam Lentz and David Spencer

**INVOCATION /
INSPIRATIONAL THOUGHT
PLEDGE OF ALLEGIANCE**

Dick Beeson
Sandy Boley

APPROVAL OF MINUTES

Mr. Macdonald **moved** to approve the minutes for the April 14, 2016, Joint Orem/Provo City Council meeting; April 26, 2016, City Council meeting; and the April 28, 2016, Joint Orem/Alpine School District City Council meeting. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. The motion **passed unanimously**.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

Mr. Seastrand **moved** to reappoint Aaron Orullian to the Beautification Advisory Commission and to appoint Sterling Bascom to the Senior Citizen Advisory Commission. Mr. Sumner **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. The motion **passed unanimously**.

PRESENTATION – All-Together Playground Donation – AshLee Winterrose and the Playful Studies Preschool & Private Kindergarten

Mr. Seastrand introduced the children and teacher of the Playful Studies Preschool & Private Kindergarten. He said the wonderful group from his neighborhood had done fundraising for the All-Together Playground.

AshLee Winterrose presented a check to Mayor Brunst. She said the fundraiser started with a question about how machines could help people do things they could not normally do. A couple of the girls noticed that a friend of theirs who was in a wheelchair could not access the local playground equipment. Ms. Winterrose said she had heard about the All-Together Playground and told the children about it. They discussed what they could do to help raise money for it. The children at that moment wanted to raid all their piggy banks to help. Their goal was \$500 and they ended up almost tripling that. She expressed gratitude to the residents of Orem who helped support the children's' endeavor.

The Mayor posed for a photo with the children before standing with Councilmembers to shake their hands.

REPORT – Summerfest Advisory Commission

Teresa Horn, chair, said they picked their theme around the All-Together Playground. She said they had outgrown the City Center Park and would expand some of their activities to the Scera Park. They had also expanded the rides to Thursday night when the tickets would be discounted. She reviewed other activities planned for the event, including a run where all proceeds would go to the All-Together Playground. She then presented the Council with their packets.

Mr. Sumner said he served as the liaison to the Summerfest Advisory Commission, and before that he had been involved with it for many years. He thanked the commission members for all

the work they had done to expand the event, noting that Wally Harkness had raised approximately \$41,000 from local businesses for the Summerfest.

CITY MANAGER'S APPOINTMENTS

Appointments to Boards and Commissions

There were no appointments to boards and commissions.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Sarah Bateman, resident, said she wanted to speak about the Free Swap (sharing we all prosper). It began about ten years ago in the Geneva Neighborhood. It had grown to a twice-annual event, with a grass roots organization committed to sharing abundance and uniting communities. It was essentially a communal yard sale where everything was free. She invited the community to the City Center Park Rotary Pavilion on Saturday, June 4, 2016, from 8 a.m. to Noon for the next Free Swap.

Erin Whitlock provided a handout to the Council. She said she represented a number of residents who were concerned about the planned height of the fence around the All-Together Playground. They were concerned that children with autism were more likely to wander and the shorter fence would make that easier. She asserted that a taller fence would better serve the users of the park.

Aaron Anderson said he had a handicapped child who was thrilled about the All-Together Playground. He spoke in favor of the taller steel fence, saying it had better visibility, would cost less, and required less maintenance.

Breanna Moffit said some of the fundraising plans for the All-Together Playground were to sell pickets with donor names for the shorter fence. That was not something that could be done with a steel fence. However, the lost revenue could be recouped by other means, such as named paving stones.

Betsy Thomas said she did not have special needs children, but she also had concerns about the height of the fence for the All Together Playground. She said that someone in the City Manager's had expressed concern that a taller fence could result in inattentive parents and aggressive children. She said she checked with other cities and could not confirm that claim.

Leslie Brown, Provo resident, said he served as a juvenile court judge. He shared an experience about an informal hearing to remove a child from a home. At that time, they reacted without all the information. He said he hoped the Council would take the time to gather all the information they could before making a decision.

Pleasant Grove Royalty issued an invitation to come to Strawberry Days on June 12-19, 2016, reviewed the schedule of events, and presented the Council with a strawberry pie

Mayor Brunst said the new Miss Orem had been chosen last weekend as well as the Miss Outstanding Teen. Miss Orem 2016 was Arline Pascual. Her first attendant was Ally Craig, second attendant was Emily Pittman, and third attendance was Amanda Flinders. Miss Outstanding Teen 2016 was Glory Thomas. Her first attendance was Abby Lewis.

CONSENT ITEMS

There were no Consent Items.

SCHEDULED ITEMS

6:00 P.M. PUBLIC HEARING – Fencing Requirements for Utility Substation ORDINANCE – Amending Section 22-6-10(F) of the Orem City Code pertaining to fencing requirements for utility substations

Mr. Bench presented the Department of Development Services request that the City Council amend Section 22-6-10(F) of the Orem City Code pertaining to fencing requirements for utility substations.

The City Code currently allowed utility substations in residential zones, but required an eight foot high masonry fence on the property line of all adjoining parcels. That was suitable for smaller utility station properties, but could be burdensome for larger properties.

Rocky Mountain Power (RMP) operated a utility substation on a 5.56 acre parcel at approximately 650 South Geneva Road. The actual area devoted to the substation facility was only about 0.68 acres with the remainder of the property being used for pasture.

RMP planned to expand the substation by 15 feet in each direction which would then cover an area of about 0.95 acres. Under the current code, RMP would be required to install 2,000 feet of concrete wall on the entire perimeter of the parcel concurrent with its expansion.

RMP had requested that the ordinance be amended to allow the City Council to grant a modification to the fencing requirement to require the eight foot fence only around the substation facility itself and not the entire parcel when the parcel was five acres or greater and when fencing only the utility facilities would still provide an adequate buffer to adjoining properties. If such a modification were granted by the City Council, the length of RMP's required fence could be reduced from 2,000 feet to about 800 feet.

A few additional changes were also proposed to Section 22-6-10 to specify what was required for landscaping and requirements for driveways accessing a substation.

Staff was not aware of any other utility substations that would be affected by the proposed fence modification amendment. The next two largest utility substation facilities were both less than five acres in size. One was located on North State Street and the other was at 800 North and University Avenue. The North State Street location was already surrounded by a block wall while the 800 North facility was surrounded by chain-link fencing.

The proposed amendments were shown:

22-6-10

F. **Utility substations.** Utility substations or similar facilities are permitted in residential zone subject to the following standards:

1. ~~T~~he primary access must be from an arterial or collector street;
2. ~~A~~n 8-foot high decorative masonry ~~fence wall~~ shall be constructed and maintained on the property line of all adjoining parcels and along the frontage of all streets (but set back as required by subsection 4);
3. The City Council may approve a modification to the wall requirement to allow the wall to enclose only the immediate utility structure and support facility area if the parcel is at least five (5) acres in size and the Council finds that limiting the wall enclosure to the immediate utility structure and support facility area would provide an adequate buffer to neighboring properties;
34. ~~T~~he ~~fence wall~~ shall be set back at least 20 feet from ~~dedicated-all~~ streets and shall not be located in a public utility easement unless approved by each utility company in accordance with Section 22-6-8(D)(1)(d);
45. At least 70% of the required setback area from any streets shall be landscaped with a combination of grass, shrubs, and/or trees (both deciduous and coniferous) with a minimum of one tree for every forty lineal feet of street frontage (minimum two inch caliper size). The required trees may be clustered; and
56. ~~A~~ll structures (excluding the required masonry ~~fence wall~~) shall be set back from ~~the-all~~ property lines a distance ~~of~~ at least equal to the height of the structure and in no case less than 20 feet;
7. Any driveway accessing a utility enclosure shall be paved from the street right-of-way a distance of at least seventy-five (75) feet; and
8. The Planning Commission shall be the final approving authority for a utility substation site plans unless a wall location modification is requested in which case the Planning Commission shall provide a recommendation to the City Council and the City Council shall be the final approving authority.

The Planning Commission recommended the City Council amend Section 22-6-10(F) of the Orem City Code pertaining to utility substations. City staff supported the Planning Commission recommendation.

Kathy Hoffman, representative for Rocky Mountain Power, encouraged the Council to approve the proposed change.

Mrs. Lauret asked how many parcels the proposal might apply to, and Mr. Bench said there were only two other parcels. Any application for those would come back to the Council.

Mayor Brunst opened the public hearing. No one came forward to speak, so he closed the public hearing.

Mr. Macdonald observed that the Planning Commission took a lot of time to study out issues before them. He said the Council should have good reasons for not following the Planning Commission's recommendations.

He then **moved**, by ordinance, to amend Section 22-6-10(F) of the Orem City Code pertaining to fencing requirements for utility substations. Mayor Brunst **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. The motion **passed unanimously**.

6:00 P.M. PUBLIC HEARING – Fencing Requirements in Nonresidential Zones
ORDINANCE – Amending Section 22-14-19(D)(2) of the Orem City Code pertaining to
fencing requirements in nonresidential zones

Mr. Bench presented the Department of Development Services request that the City Council amend Section 22-14-19(D)(2) of the Orem City Code pertaining to fencing requirements in nonresidential zones

The City recently received a request from the owner of a corner lot at approximately 1200 North State Street (C2 zone) to install a six foot high fence immediately behind his required landscaping, or about ten feet behind the property line. The owner would like the fence in that location in order to secure the outdoor display of the owner's merchandise (landscaping products).

Although the City Code typically allowed fences up to eight feet in height in nonresidential zones, any fence higher than three feet must be set back a distance at least equal to the required setback. In most situations, the required setback and the width of the required landscaping were the same and so a fence could usually be installed right behind the required landscaping. However, with corner lots, the width of the required landscaping was often less than the required setback.

For example, a corner lot in the C2 zone had a required setback of 20 feet from all public streets, but the width of the required landscaping was only ten feet from the property line. In such a case, a fence higher than three feet must be installed ten feet behind the required landscaping. That had the potential to create undesirable "dead space" between the back of the required landscaping and the point where a fence higher than three feet may be installed (a distance of ten feet). For the owner referred to above, the current ordinance would cause him to lose the practical use of ten feet of area between the back of his required landscaping and the point where he could install his six-foot fence.

In order to address this situation, staff proposed to amend the fencing requirements for nonresidential zones to provide that a fence greater than three feet in height might not be located in a required landscaped area instead of in a required setback area. It would then allow corner lot owners to install a fence higher than three feet right behind the required landscaping as opposed to ten feet behind the required landscaping. However, the ordinance would still prohibit any sight-obscuring fence higher than three feet in any clear vision area.

The text of the proposed amendment was as follows:

22-14-19(D)

D. Nonresidential Zones. The following restrictions shall apply to all fences located in nonresidential zones:

1. **Height.** The maximum height of fences in nonresidential zones shall be eight feet (8').
2. **Location.** No fence higher than three feet (3') ~~may~~shall be located in a required landscaped area in a ~~the front yard setback or side yard setback adjacent to a street. Exception: Property located in the M1 and M2 zones may have a fence up to eight feet (8'), provided that no fence is located within a required landscaped area in a front yard or side yard adjacent to the street. No~~In no case shall a fence shall be closer than ten feet (10') to a public-right- of-way. No fence may be located in the clear vision area as outlined in Section 22-14-10 of the Orem City Code.
3. **Materials**

- a. Fences in all nonresidential zones except for the M1 and M2 zones shall be constructed with stone, brick, block, stucco, cedar, vinyl, wrought iron or steel reinforced polyethylene panel that has the appearance of stone.
- b. Fences in the M1 and M2 zone shall be constructed with any of the materials described above or with chain link or chain link with factory installed sight-obscuring slats. in the M1 and M2 zone. Fences located within the M1 and M2 zone shall be constructed with stone, brick, block, stucco, cedar, steel reinforced polyethylene panel that has the appearance of stone, chain link or chain link with factory installed sight obscuring slats

He said the Planning Commission recommended in favor of the proposal. City staff supported the Planning Commission recommendation.

Mr. Macdonald said he drove by that corner and found it difficult to see around. He expressed concern that the change would make it worse. Mr. Bench said the business had recently received site plan approval that would take care of that problem.

Mr. Seastrand wondered what other parcels might be affected. Mr. Bench said a landscape business was different than a car dealership.

Mayor Brunst opened the public hearing. No one came forward, so he closed the public hearing.

Mayor Brunst **moved**, by ordinance, to amend Section 22-14-19(D)(2) of the Orem City Code pertaining to fencing requirements in nonresidential zones. Mrs. Lauret **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. The motion **passed unanimously**.

6:00 P.M. PUBLIC HEARING – Mobile Vendors – Summerfest

ORDINANCE – Amending Section 12-5-12 of the Orem City Code pertaining to mobile vendors

Mr. Bench presented the Development Services Department's request that the City Council amend Section 12-5-12 of the Orem City Code pertaining to mobile vendors.

Approximately one year ago, the City Council enacted an ordinance that prohibited mobile vendors (food trucks) from parking on public streets within 1000 feet of the City Center Park during the Summerfest celebration. The intent of that ordinance was (1) to prevent food trucks from occupying parking spaces that would otherwise be used by Summerfest patrons, (2) to prevent customers of food trucks from congregating on sidewalks while waiting in line and potentially obstructing pedestrian traffic, and (3) to prevent food trucks from taking advantage of the economic opportunity created by Summerfest without sharing in the costs of putting on the event.

This year the Summerfest activities would be expanded to the Scera Park. The concerns that applied to mobile vendors at the City Center Park during Summerfest would also apply to mobile vendors at the Scera Park. Staff therefore proposed to amend the mobile vendor ordinance to limit mobile vendors near the Scera Park during Summerfest in the same way that mobile vendors were limited at the City Center Park.

The proposed amendment would prohibit mobile vendors from parking on public streets within 1,000 feet of the Scera Park during the Summerfest celebration. The language of the proposed amendment:

12-5-12. Mobile Vendors

A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. All equipment related to food preparation must be in a self-contained unit such as the vehicle itself or an attached trailer. An operating mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than five hours at any one location (or within 500 feet of said location) per day. Property owner approval is required. A mobile vendor may not park on any public street located within one thousand feet (1000') of the City Center Park or Scera Park during the annual Summerfest celebration typically held in June of each year.

The Planning Commission recommended approval, and staff supported the Planning Commission recommendation.

Mr. Seastrand asked about typical mobile vendor activity. Mr. Bench said many of them were already part of the Summerfest event.

Mayor Brunst opened the public hearing, but no one came forward to speak. He closed the public hearing.

Mrs. Lauret **moved**, by ordinance, to amend Section 12-5-12 of the Orem City Code pertaining to mobile vendors. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. The motion **passed unanimously**.

ORDINANCE – Approving the amounts to be awarded to the CARE Grant Recipients for the 2016 CARE Granting Round

Mr. Downs presented the City Manager's recommendation that the City Council, by ordinance, approve the amounts to be awarded to CARE grant recipients for the 2016 granting round.

On November 8, 2005, a majority of City of Orem voters voted in favor of enacting a local sales and use tax of 0.1 percent as a means of enhancing financial support for recreational and cultural facilities, and cultural organizations within the City of Orem. Known as the Cultural Arts and Recreation Enrichment tax (CARE), the Orem City Council enacted the tax by ordinance on November 22, 2005. The tax went into effect April 1, 2006, and was authorized for a period of eight years. On November 5, 2013, a majority of City of Orem voters voted to continue collecting the CARE tax for an additional 10 years.

On February 9, 2016, the City Council amended the CARE Program policies and procedures, establishing eligibility requirements and an application process for this competitive granting program. Three categories of grants were established, including Recreational and Cultural Facilities, available for publicly-owned or operated facilities; Cultural Arts Major Grants, of \$10,000 or more for operating costs of nonprofit cultural arts organizations, Cultural Arts Mid-Major Grants, of between \$5,000 - \$9,999 or more for operating costs of nonprofit cultural arts organizations and, Cultural Arts Mini Grants, of up to \$4,999 for operating costs of nonprofit cultural arts organizations.

Applications for the current CARE granting round had been due on March 10, 2016. As a group and with members serving as a smaller review panel, the City Council, along with the CARE Tax Advisory Commission, met in a series of public meetings in March and April to hear from applicants and to consider their grant requests.

Utah law required that the entire amount of revenues and interest collected as a result of the imposition of the tax be distributed in a manner consistent with Utah Code Ann. 59-12-1403, which allowed for granting to one or more facilities or organizations. Utah law also required the City to provide for that distribution by ordinance.

Mini & Mid-Major Grant Funding Proposal		
Organization	Request	Proposed Award
Orem Chorale	\$4,999	\$4,500
Latinos in Action	\$4,999	\$3,500
Wasatch Chorale	\$4,999	\$4,000
Utah Storytelling Guild	\$4,999	\$4,500
Utah Baroque Ensemble	\$4,999	\$4,500
Chauntennettes	\$4,999	\$4,500
Utah Film Center	\$1,500	\$1,500
Center Stage Performing Arts	\$4,999	\$2,000
Utah Valley Civic Ballet	\$4,500	\$4,500
Utah Music Association	\$4,999	\$4,500
Wasatch Contemporary Dance	\$4,999	\$2,500
On Site Mobile Dance Series	\$4,500	\$2,000
4 th Wall Players Foundation	\$4,999	\$1,500
Freedom Vehicles	\$4,999	\$4,500
Colonial Heritage Foundation	\$9,999	\$9,999
Grassroots Shakespeare	\$9,940	\$4,500
Witness Music	\$6,400	\$3,000
Cantorum Chamber Choir	\$9,693	\$4,500
Roots of Freedom	\$9,999	\$6,000
TOTAL	\$111,520	\$76,499

Mr. Downs reviewed the five Major Grant proposal options for the Council to consider.

Proposal A		
Organization	Request	Proposed Award
HALE CENTER THEATER (23.5%)	\$500,000	\$330,000
UTAH REGIONAL BALLET (32.4%)	\$75,000	\$26,093
SCERA (35%)	\$654,215	\$537,000
TOTAL	\$1,229,215	\$874,215

Proposal B		
HALE CENTER THEATER (23.5%)	\$500,000	\$332,000
UTAH REGIONAL BALLET (32.4%)	\$75,000	\$26,093
SCERA (35%)	\$654,215	\$535,000
TOTAL	\$1,229,215	\$874,215

Proposal C		
HALE CENTER THEATER (23.5%)	\$500,000	\$336,916
UTAH REGIONAL BALLET (32.4%)	\$75,000	\$26,000
SCERA (35%)	\$654,215	\$530,177
TOTAL	\$1,229,215	\$874,215

Proposal D		
HALE CENTER THEATER (23.5%)	\$500,000	\$336,666
UTAH REGIONAL BALLET (32.4%)	\$75,000	\$26,500
SCERA (35%)	\$654,215	\$529,927
TOTAL	\$1,229,215	\$874,215
Proposal E		
HALE CENTER THEATER (23.5%)	\$500,000	\$348,478
UTAH REGIONAL BALLET (32.4%)	\$75,000	\$25,950
SCERA (35%)	\$654,215	\$518,665
TOTAL	\$1,229,215	\$874,215

Recreation Funding Proposal	
Project	Proposed Award
SPLASH PAD – PALISADE PARK	\$350,000
ALL-TOGETHER PLAYGROUND	\$104,592
FACILITY/FIELD MAINTENANCE	\$15,000
FITNESS CENTER – POOL IMPROVEMENTS	\$400,000
DOG PARK	\$100,000
TOTAL	\$969,592

Mayor Brunst said he thought the CARE tax did a great deal to improve the quality of life in Orem. He said he preferred Option D because the money was prorated between the Hale and the SCERA. The amount for the Regional Ballet would be well spent. On the recreation side he was in favor of the proposed list.

Mr. Macdonald noted that the All-Together Playground had received over \$300,000 in additional donations. The CARE funding also generated more than the actual tax funds given in grants. He then said he agreed with the Mayor about Option D.

Mr. Seastrand said that over the history of the CARE tax, the organization that had grown the most was the Colonial Heritage event. One intent of the CARE tax was to encourage and help organizations flourish. He said he preferred Option C but, since the only difference between that and D was the extra \$500 for the ballet, he could support Option D.

Mr. Sumner said the mini grants functioned as seed money for those organizations. The renewal of the CARE tax two years ago indicated to him that the residents were pleased with the way money had been distributed. Many of the events held by these organizations brought people from outside of Orem to the city where they generated sale tax revenue. He said the SCERA had been around for a very long time, and he preferred Option A.

Mrs. Lauret said she was in favor of giving the small amount of extra money to the Regional Ballet and supported Option D.

Mr. Lentz said he could be in favor of C, D, or E.

Mayor Brunst **moved**, by ordinance, to approve the amounts to be awarded to CARE grant recipients for the 2016 granting round with Option D. Mrs. Lauret **seconded** the motion. Those voting aye: Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, and Mark Seastrand. Those voting nay: Mr. Sumner. The motion **passed**.

Mr. Macdonald said he would like to have a discussion on the overall philosophy of the CARE grants.

6:00 P.M. PUBLIC HEARING

RESOLUTION – Adopt the 2016 Water Rate Adjustment

Mr. Winterton said the State Legislature recently passed a bill requiring communities to come up with a tiered system to encourage water conservation. On April 28th, the City Council adopted the 2016 Water Master Plan and recommended the seven-year CIP values found in the Water User Rate Study. The City Council recommended that, instead of a winter/summer seasonal rate, the City adopt a tiered rate structure to meet the revenues in the seven-year CIP plan. This adjustment would meet the requirements found in Utah State Code 73-10-32.5 Culinary Water Pricing Structure (<http://le.utah.gov/~2016/bills/static/SB0028.html>).

City Staff; Bowen Collins and Associates; and Lewis, Young, Robertson, and Burningham studied 3-tier and 4-tier rates, analyzed historic water use data, and studied several volume block limits. Depending on the block volume option selected, the final rate for each block would be established to meet the CIP increase of \$2,100,000 for FY 2017.

One goal of the tiered rate structure was to capture most users' indoor water use within the first tier. Seventy-eight percent of the utility accounts were 3/4" meters. The first tier block volume amount for the 3/4" meter were established by analyzing winter (indoor) water use data and setting the limit so that most (90%) 3/4" accounts will not reach tier 2 in the winter months (Nov - April). For a 3/4" meter, this value was 13,000 gallons.

The second tier block volume value was calculated so that most (90 percent) 3/4" accounts would be under the volume consumed in the shoulder months (May, June, and October). For a 3/4" meter, this value was 34,000 gallons.

The third tier block volume value was calculated so that most (90 percent) 3/4" accounts would be under the peak months (July-Sept). For a 3/4" meter, this value was 65,000 gallons.

The forth tier block volume was anything above the third tier. For a 3/4" meter, this value was any volume above 65,000 gallons.

Once the 3/4" block volumes were established there were several options for setting volumes for meter 1" and greater.

- A. Use the same block volumes throughout all meter sizes - This becomes very punitive for large meter sizes (and larger water users). Most larger meters would reach Tier 4 even in the winter months and the goal of indoor water use remaining in Tier 1 was not met.
- B. Utilize arbitrarily set block volumes - This was discouraged because there was little rationale behind the numbers and was not repeatable from year to year.
- C. Use the 90th percentile method throughout all meter sizes - This was a viable option. This option produces larger block volumes than the AWWA multiplier option shown below, particularly in the larger meters.
- D. Use the AWWA multiplier for block volumes - This option produced block volumes less than the 90th percentile option (which would encourage more conservation), was the method that base rates strive to follow, was repeatable from year to year, and was a defensible form of setting water rate structures.

Options A and B were not analyzed for rate structures for each block because it was determined that options C and D had more advantages as described above. Both C and D block rate

structures were similar. Because option C had slightly larger block volume ranges, the rates were slightly higher.

Tier rates under both scenarios graduate with multipliers of 1, 1.25, 1.5, and 2.0, respectively.

Option C

Tier 1 - \$0.73

Tier 2 - \$0.91

Tier 3 - \$1.10

Tier 4 - \$1.42

Option D

Tier 1 - \$0.71

Tier 2 - \$0.89

Tier 3 - \$1.07

Tier 4 - \$1.46

Option C block volumes by meter size:

Table 1: Represents Flow Allotment (90th) by Meter Size				
Meter	Tier 1	Tier 2	Tier 3	Tier 4
0.75	11	34	65	>65
1	21	64	112	>112
1.5	94	231	389	>389
2	120	324	580	>580
3	477	655	1362	>1362
4	930	1405	2921	>2921
6	1069	2161	4860	>4860
8	995	5736	6474	>6474
10	1088	1435	1592	>1592

Option D block volumes by meter size:

Table 2: Represents Flow Allotment (AWWA) by Meter Size				
Meter	Tier 1	Tier 2	Tier 3	Tier 4
0.75	11	34	65	>65
1	18	57	109	>109
1.5	37	113	216	>216
2	59	181	346	>346
3	110	340	650	>650
4	220	680	1300	>1300
6	458	1417	2709	>2709
8	587	1813	3466	>3466
10	1063	3287	6284	>6284

He said staff recommended Option D.

Mr. Lentz said he was generally pleased with the proposal, though he might change one thing to bring the numbers into increments of six.

Mayor Brunst reiterated that the City was being required to make the change by new State law. He said he was comfortable using the AWWA standards and felt the City was on the right path. He was in favor of making the change to the base rate effective July 1, 2016 and the tiered rate on November 1, 2016.

Mayor Brunst then opened the public hearing. No one came forward to speak, so he closed the public hearing.

Mr. Sumner said a lot of public education would need to take place to inform the residents of the change.

Mr. Tschirki said they would use utility bills and newsletters to show what would be coming. Mayor Brunst suggested giving a full explanation on the webpage. Mr. Tschirki said they would put up a calculator where residents could estimate their future expense to see ways to conserve water and save money. The webpage would point the residents to many resources.

Mrs. Lauret said she worked for American Fork when they had a 600 percent increase; it was not well received. Giving businesses advance notice was also important.

Mr. Seastrand said there were two trends happening. One was underfunding of maintenance for the infrastructure. The second was the new State law for a tiered system. He asked that the public hearing be reopened.

Mayor Brunst reopened the public hearing.

Murray Low said the residents should understand that there were two issues. He was not sure the proposal would really encourage conservation, but he understood why the Council was making the change.

Mayor Brunst closed the public hearing.

The Council and staff discussed Mr. Lentz's suggestion and determined to leave the formula as originally proposed.

Mayor Brunst **moved**, by resolution, to approve the 2016 Water Rate Adjustment and with Option D for the rate structure, with the base rate going into effect on July 1, 2016, and the tier rates going into effect on November 1, 2016. Mr. Sumner **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. The motion **passed unanimously**.

COMMUNICATION ITEMS

The monthly financial summary for April 2016 was provided to the Council.

CITY MANAGER INFORMATION ITEMS

At the invitation of Mr. Davidson, Mr. Bench reviewed upcoming agenda items that were skipped during the premeeting.

Mr. Davidson said that in the past the Council had taken a meeting off in either July or August and wondered if they were interested in doing that this year. The Mayor suggested the July 26th meeting. The consensus of the Council was to cancel that meeting.

ADJOURNMENT

Mr. Macdonald **moved** to adjourn the meeting. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

The meeting adjourned at 8:01 p.m.

Donna R. Weaver, City Recorder

Approved: June 14, 2016